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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/831,272 Confirmation No. : 3234  
Applicant : KIRSCH, Christoph  
Filed : August 13, 2001  
Group Art Unit : 1633  
Examiner : MARVICH, Maria  
Docket No. : 9730-001  
For : Chimeric Promoters Capable of Mediating Gene Expression in  
Plants Upon Pathogen Infection and Uses Thereof

## INTERVIEW SUMMARY

MAIL STOP AMENDMENT  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir/Madam:

## CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited by facsimile to 571-273-8300 addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on 12/12/07

*Nicholas J. Landau*  
Nicholas J. Landau, Registration No. 57.120

This paper constitutes the Applicant's Interview Summary as required under 37 C.F.R. § 1.133. The interview occurred telephonically on December 12, 2007. Participating were Examiner Maria Marvich and attorney Nicholas Landau (undersigned). Discussed were the objections to Claims 2, 3, 8, 9, 39, 42, and 43; the enablement rejections of Claims 2, 3, 22, 39, 42, 47, and 49; and the obviousness rejection of Claim 48.

Agreement was reached with regard to the objections to Claims 2, 3, 8, 9, 39, 42, and 43.

It was agreed that the objections to Claims 2 and 3 could be overcome if the preambles to these claims are amended to recite "capable of local gene expression in plants wherein expression is induced by elicitor treatment, pathogen infection, or both."

It was agreed that the objection to Claim 39 could be overcome if Claim 39 is amended into independent form.

{WP457732,1}

U S Application No. 09/831,272  
Summary of December 12, 2007 Interview

Attorney Docket No. 9730-001

It was agreed that the objection to Claim 42 could be overcome if Claim 42 is amended to replace "the said" with "the."

It was agreed that the objection to Claim 43 could be overcome if Claim 43 is amended to recite "...wherein ~~at least one of the said~~ two or more *cis*-acting elements..."

Agreement was reached with regard to the enablement rejections of Claims 2, 3, 22, 39, 42, 47, and 49. The Examiner stated that Claims 8 and 9 should have been included in the rejection. The Applicant acknowledged the omission. It was agreed that the rejections could be overcome if the claims are limited to *cis*-acting elements "sufficient to direct pathogen-elicitor-specific expression" or "sufficient to direct: pathogen-elicitor-specific expression of a nucleic acid sequence, pathogen-infection-specific expression of a nucleic acid sequence, or both."

No agreement was reached with regard to the obviousness rejection of Claim 48.

Agreement was reached on allowable form of the claims.

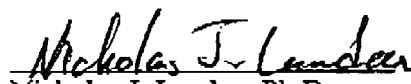
U.S. Application No. 09/831,272  
Summary of December 12, 2007 Interview

Attorney Docket No. 9730-001

Applicant is grateful for the opportunity to speak with the Examiner regarding this matter. Applicant requests this Summary be entered into the record in compliance with 37 C.F.R. § 1.133. The Examiner is encouraged to contact the undersigned telephonically should there be any further concerns regarding the allowability of this Application.

Respectfully submitted,

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Date: December 12, 2007